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2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT SEATTLE

6 VERASONICS, INC.,

7 Plaintiff,

8 v.

9 SUPERSONIC IMAGINE, S.A.,

10 Defendant.

C17-1764 TSZ

MINUTE ORDER

11 The following Minute Order is made by direction of the Court, the Honorable
12 Thomas S. Zilly, United States District Judge:

13 (1) Defendant's motion to dismiss complaint, docket no. 27, is DENIED. The
14 Court is satisfied that plaintiff's complaint is sufficiently pleaded. Even if the complaint
15 was deficient, plaintiff would be granted leave to amend, and thus, entering judgment in
16 favor of defendant, as requested in its motion, would not be an appropriate remedy. *See*
17 *TeleSign Corp. v. Twilio, Inc.*, 2016 WL 4703873 at *4 (C.D. Cal. Aug. 3, 2016). The
18 Court makes no ruling concerning whether and, if so, the extent to which, plaintiff is
19 entitled to discovery before making the disclosure required by Local Patent Rule 120.

20 (2) Having reviewed the parties' Joint Status Report, docket no. 32, and
21 considered counsel's remarks during the scheduling conference held on May 4, 2018, the
22 Court SETS the following dates and deadlines:

JURY TRIAL DATE (5 days)	March 2, 2020
Statement of asserted claims and preliminary infringement contentions due	June 29, 2018
Statement of preliminary non-infringement and invalidity contentions due	August 3, 2018
Deadline for joining additional parties	September 14, 2018

Parties to exchange preliminary proposed constructions of disputed claim terms and provide list of proposed extrinsic evidence	October 5, 2018
Joint Claim Chart and Prehearing Statement due	January 11, 2019
Parties to disclose reports from expert witnesses, if any, regarding <u>Markman</u> issues	January 11, 2019
Parties to disclose rebuttal expert reports, if any, regarding <u>Markman</u> issues	February 11, 2019
Deadline for completion of claim construction discovery and for amending pleadings	February 22, 2019
Opening claim construction briefs (not to exceed 24 pages in length) must be filed by	February 28, 2019
Responsive claim construction briefs (not to exceed 24 pages in length) must be filed by	March 15, 2019
If a claim construction (Markman) hearing is necessary, one will be set upon at least 20 days' notice to the parties.	
Reports from expert witnesses pursuant to FRCP 26(a)(2) due	June 28, 2019
Rebuttal expert reports due	July 29, 2019
All discovery motions must be filed by (and noted on the motion calendar no later than the third Friday thereafter)	August 8, 2019
Discovery completed by	September 6, 2019
All dispositive motions must be filed by (and noted on the motion calendar no later than the fourth Friday thereafter; <u>see</u> LCR 7(d))	October 10, 2019
All motions <i>in limine</i> must be filed by (and noted on the motion calendar for the Friday before the Pretrial Conference)	January 30, 2020
Agreed pretrial order due	February 14, 2020
Trial briefs, proposed voir dire questions, proposed jury instructions, and trial exhibits due	February 14, 2020
Pretrial Conference at 10:00 a.m. on	February 21, 2020

1 (3) All other dates and deadlines are specified in the Local Civil Rules or the
2 Federal Rules of Civil Procedure. The dates set forth in this Minute Order are firm dates,
3 which can be changed only by order of the Court, and not by agreement of counsel or the
4 parties. The Court will alter these dates only upon good cause shown. Failure to
5 complete discovery within the time allowed is not recognized as good cause. If the dates
6 assigned to this matter create an irreconcilable conflict, counsel must notify Karen Dews
7 at 206-370-8830, within 14 days of the date of this Minute Order and explain the exact
8 nature of the conflict. Failure to do so will be deemed a waiver. Counsel must be
9 prepared to begin trial on the date scheduled, but it should be understood that the trial
10 might have to await the completion of other cases.

11 (4) **Mediation:** Pursuant to Local Civil Rule 39.1(c), the Court designates this
12 matter for mandatory mediation. **The parties shall engage in mediation no later than**
13 **August 1, 2019.**

14 (5) **Exhibits:** Exhibits shall be clearly marked. Exhibit tags are available in
15 the Clerk's Office. Plaintiff's exhibits shall be numbered consecutively beginning with 1.
16 Defendant's exhibits shall be numbered consecutively beginning with the next multiple
17 of 100 after plaintiff's last exhibit. For example, if plaintiff's last exhibit is numbered
18 159, then defendant's exhibits shall begin with the number 200. The parties shall avoid
19 identifying a document with more than one exhibit number or otherwise duplicating
20 materials. Once a party has identified an exhibit in the pretrial order, any party may use
21 it. Each set of exhibits shall be submitted in a three-ring binder with appropriately
22 numbered tabs.

23 (6) **Settlement:** If the parties reach a settlement in principle, counsel shall
immediately notify Karen Dews at 206-370-8830.

Dated this 22nd day of May, 2018.

William M. McCool
Clerk

s/Karen Dews
Deputy Clerk